



Texas General Land Office Disaster Recovery Division Environmental Monitoring Plan

I. Environmental Monitoring Objectives

- A. To verify that the Responsible Entity (RE) is meeting its environmental obligations and is fully discharging its responsibilities under NEPA and other provisions of law in conformance with the environmental regulations in 24 CFR Part 58;
- B. To assess the effectiveness of the RE's program;
- C. To determine RE compliance in meeting the requirements concerning the certification process and Release of Funds; and
- D. To provide technical assistance to RE's in achieving compliance with environmental requirements.

II. Risk Analysis and Selecting Grantees for On-Site Monitoring

- A. Risk Analysis will determine:
 - i. Which RE to visit on-site
 - ii. What areas pose the greatest concern for potential fraud, waste, or mismanagement, and
 - iii. Which projects should be the focus of the monitoring visit.

III. Pre-monitoring Preparation for Environmental Monitoring

- A. GLO will review Release of Funds and draw down records for projects to verify the RE has completed an environmental review.
 - i. GLO will verify records of draw down activities for timeliness in compliance with Part 58.
- B. Notification of Visit
 - i. GLO will notify the RE's departmental director at least two weeks prior to a scheduled visit.

IV. On-Site Environmental Monitoring

- A. Rationale
 - i. GLO will conduct in-depth monitoring of all REs administering CDBG-Disaster funding to determine procedural compliance with Part 58 and related laws. This review will assess whether the RE is performing its required responsibilities for relevant environmental areas, and other requirements listed in Section 58.6.

**B. Sanctions.**

- i. GLO has the authority as provided in Section 58.77(d)(1)(v) to initiate appropriate sanctions for non-compliance under Part 58.
- ii. GLO will consult with the HUD Region VI Environmental Officer when attempts to correct identified deficiencies have not been successful and more progressive sanctions may be needed.

C. Procedural Review.

- i. Special attention will be given to ensure that there has not been a commitment of HUD funds or commencement of physical development activities prior to the Release of Funds by GLO environmental staff.

D. Substantive Review.

- i. GLO is to assess the environmental processing procedures of REs for compliance with Part 58, Subpart H, "Release of Funds."

E. Technical Area Assessments.

- i. After a substantive review of processing procedures and environmental review procedures, GLO will review the assessment of each environmental review record for technical adequacy and completeness in accordance with HUD monitoring guidance materials.

F. Monitoring.

- i. GLO will document the degree to which the RE's ERR complies with the regulatory requirements found at 24 CFR Part 58.

G. Review of Conditions and Mitigating Measures.

- i. GLO will identify all major actions for which the RE's environmental review required specific conditions (such as purchase of flood insurance) or mitigating measures to fulfill requirements of the environmental review process.
- ii. Site visits to specific projects will be undertaken by the GLO if there is any evidence that conditions or measures have not been met or maintained.

H. File Review and Site Visits.

- i. GLO will examine a representative sample of the RE's ERR files.
 1. This selection of project files to be examined will include files of sufficient complexity to determine compliance with environmental requirements.
 2. Environmental concerns about registered complaints and objections raised will also be included in the sample of project files.



3. GLO will review a 20% sample of ERRs from Grantees that have over 100 ERRs which will be comprised of:
 - a. High cost projects,
 - b. Critical Action activities,
 - c. Projects that require mitigation based on §58.5 and §58.6, as well as
 - d. Any projects that would be identified during a risk analysis assessment.
4. GLO will review a 50% sample of ERRs from REs that have between 50<100 ERRs.
 - a. Samples for review will be representative of items listed in (IV)(H)(i)(3)(a-d) of this document.
5. GLO will review a 100% sample of ERRs from REs when there are less than 50 ERRs.
 - a. Samples for review will be representative of items listed in (IV)(H)(i)(3)(a-d) of this document.
- ii. GLO may visit project sites where the environmental assessment identified mitigating measures to determine whether the mitigating measures were implemented as required.
- iii. GLO may visit sites where ERRs are unsatisfactory to determine where adverse environmental impacts exist.

V. Post-Monitoring Actions

A. GLO Environmental Monitoring Letters to REs.

- i. Monitoring letters covering in-depth monitoring conducted by GLO shall draft and propose all necessary items in the letter that pertain to environmental issues such as the correction or mitigation of existing or potential environmental conditions.
- ii. Where the letter addresses minor environmental issues and contains no findings, it may be signed by the GLO Senior Environmental Advisor.
 1. All monitoring letters signed by the GLO Senior Environmental Advisor must have the concurrence of the GLO Program Director(s).
- iii. Monitoring letters that require corrective action(s) as a result of identified deficiencies must be signed by a Program Director.
 1. Sanction authority rests with the GLO Program Director and Senior Director.

B. Tracking Corrective Actions.

- i. GLO shall follow-up and track an RE's progress in correcting deficiencies, including re-visiting sites as required.



- ii. GLO is responsible for assessing the adequacy of the RE's response to environmental findings and recommendations and for ensuring the closeout of environmental findings.
 - iii. GLO will maintain files on all applicable documents for environmental monitoring.
 - iv. In the event that the RE fails to meet a target date for corrective actions, a telephone call is appropriate and shall be documented.
 - 1. If the RE has not responded within 30 calendar days after the date the RE was advised to take corrective action, a letter shall be sent requesting the status of the corrective action and warning the RE of the possible consequences of failure to comply as provided under applicable program sanction authorities.
 - v. When the RE's response has been received, the corrective action proposed or taken shall be reviewed by GLO.
 - 1. GLO will complete a review of the response within 15 calendar days.
 - vi. If the RE has not taken the identified corrective actions, another letter shall be sent to the RE either reaffirming the need to take the identified action(s), or specifying additional actions as well as a response due date.
 - 1. Such a letter will require the concurrence of the GLO Program Director.
 - vii. New due dates may be established subject to good faith efforts by the RE to resolve a finding.
 - viii. A follow-up visit may be necessary to verify corrective action or to provide technical assistance when the RE has been unable to resolve or correct the finding.
- C. Closing Environmental Monitoring Findings.
- i. When the GLO's review indicates that the RE has provided satisfactory corrective action, a close-out letter will be sent to the RE indicating that all Findings have been closed.